

PUBLIC MEETING
February 28, 2006

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley are present. Others attending all or portion of the meeting included Ron Alles, Jerry Grebenc, Lindsay Morgan, Michael McHugh, Rj Zimmer, Greg McNally, John Baucus, Chad and Wade Bachmeier, Kelly Williams, William Spilker, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Ron Alles read the consent items and recommends approval.

- a. Contract with Thomas, Dean and Hoskins, Inc., for Engineering Service on LEC Radio Tower Site and Nob Hill Radio Tower Site. Contract amount \$4,460.00. (Sheriff Liedle/Jacalyn Grenfell)
- b. Contract with Radian Communication Services for LEC Radio Tower. Contract amount \$56,133.25. (Sheriff Liedle/Jacalyn Grenfell)
- c. Request for One-Year Extension to August 26, 2006 of Preliminary Plat Approval for Lowe Tracts 14A Subdivision. (Applicant, Ben Lesofski) (Planner, Lindsay Morgan)
- d. Request for One-Year Extension to September 2, 2006 of Preliminary Plat Approval for Duthie Tract Lot 1A. (Applicant, Richard Cary) (Planner, Michael McHugh)
- e. Request for One-Year Extension to February 24, 2007 of Preliminary Plat Approval for Valley View Heights Lot 47 Minor Subdivision. (Applicant, John James) (Planner, Lindsay Morgan)

Commissioner Murray pulled consent items 'c' and 'd' to discuss the late submittals of the extension request and moved to approve the remaining consent items.

Commissioner Tinsley seconded the motion and it carried unanimously.

Consent items 'c and d'. Commissioner Murray stated it appears the applicants have performed due diligence and hopefully the new subdivision regulations will correct this by extending the period of approval. He asked staff if the county bares any responsibility for allowing this to be delayed for seven months without the applicant requesting an extension.

Lindsay Morgan stated she does not believe the county bares any responsibility regarding late requests.

Jerry Grebenc stated the county is under no statutory requirement as the jurisdiction to notify the applicants.

Commissioner Tinsley stated due diligence should also include applying for an extension.

Mr. Grebenc stated under the new regulations, the applicant is required to do a subdivision improvements agreement to get the 4th year. He would recommend sending a form letter to those applicants with outstanding preliminary plat approval reminding them to send their extension requests in on time and outline performance of due diligence.

Commissioner Murray moved to approve consent items 'c and d'. Commissioner Tinsley seconded the motion and it carried unanimously.

Commissioner Tinsley stated it is the applicants' responsibility as part of the due diligence process to monitor application deadlines and to understand there is a potential they could not meet the due diligence requirement and not receive their extension.

Request for Proposals for Ortho Photography. GIS Specialist, Rj Zimmer reported as part of the Geographic Information Systems program, the county acquires aerial photography that helps the city and county with addressing, planning, emergency response, and economic development. The county is updating The program for urban scale. Upon contracting with a firm, the project would be completed by the end of summer and the photography and digital data would be available in September.

Proposals were received from:

Horizons Inc., Rapid City, S.D. and Minnetonka, Minnesota, \$85,900.00

Vargas LLC, Sterling, Virginia, \$67,390.00

Pinnacle Mapping Technologies, Indianapolis, Indiana, \$2,591,066. Total dollar amount of company's committed projects--not the price proposal. Proposal invalid.

Spatial Data Solutions, Aurora, Colorado, \$57,795.00

Off Shore Systems, Vancouver, British Columbia, \$43,542.00

Intermountain Aerial Surveys, Salt Lake City, Utah, \$63,321.00

Merrick & Company. Price is missing--Proposal invalid.

Commissioner Murray moved to authorize staff to take the bids under advisement and report back at a future public meeting for award of the bid. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as Cape Place Minor.

(Applicant Sieben Ranch Co., John Baucus) (Planner, Greg McNally). The applicant proposes to create one 7.07-acre tract from an existing 633.48-acre tract for one single-family dwelling and a bunkhouse for rent, lease or other conveyance. The remaining 626.41 acres is exempt from subdivision review. The proposed subdivision is located in the SE¼ of Section 9, T12N, R05W; generally located east of the Canyon Creek store and north of and adjacent to Duffy Lane. The applicant is present and indicated his willingness to proceed.

Greg McNally presented the staff report. Access to the lot is to be provided from an internal access road cul-de-sac known as Cape Place Drive. The applicant is proposing two individual on-site wastewater treatment systems. The existing systems are subject to review and approval from DEQ and the County/City Health Department. Fire protection is provided by the Canyon Creek Fire District.

The applicant is required to improve Cape Place Drive to Lincoln Road West and Duffy Lane to gravel standard Typical Section 1. The existing driveway known as Cape Place Road does not meet county standard for legal and physical access. The applicant is proposing a 50' private access easement for the internal access road and that the easement remain at its current surface and road width condition. The proposed internal access road and cul-de-sac dead end road is 1,410'. Duffy Lane from the proposed internal access road known as Cape Place Drive to Lincoln Road west does not meet the County Standard, Typical Section 1, for standard physical access. The applicant is requesting four variances from county subdivision regulations.

Staff recommends approval of the proposed preliminary plat subject to the 16 conditions as outlined in the staff report. Condition 10.j.iii should read, "variances granted for length of dead-end road easement width, road width, and road construction." Condition 10.j.iv should be deleted.

Commissioner Murray asked staff to explain the private easement aspect of the variances requested since there will be two dwellings on this road.

Mr. McNally stated the applicant is proposing a private easement over the remaining 626-acre tract to access this particular lot. Typically when the Board of County Commissioners approves subdivision lots, the lots are approved with legal and physical access which includes a 60' wide public access easement with a 24' wide road.

John Baucus discussed the history of the subject property and the uniqueness of the variance requests to maintain and preserve the natural environment.

Commissioner Tinsley asked if the applicant and/or potential buyer would consider a covenant prohibiting further subdividing on the seven-acre parcel or add language to county conditions of approval.

Mr. Baucus explained his proposed list of covenants states no further subdivision of that parcel.

Jerry Grebenc stated county subdivision regulations state that you will not violate private covenants.

Kelly Williams, Stahly Engineering, asked the Commission to consider removing condition of approval 8.a and b. regarding the improvements to Duffy Lane.

Commissioner Tinsley directed staff to research the public/private issue as it relates to this particular case.

Commissioner Tinsley moved to render a final decision on Tuesday, March 7 at the Commission's regular scheduled public meeting. Commissioner Varone seconded the motion and it carried unanimously.

The Commission recessed and reconvened at 10:12 a.m.

Proposed Minor Subdivision, Preliminary Plat to be known as Bachmeier Minor. (Applicants Chad and Wade Bachmeier) (Planner, Greg McNally). The applicants propose to create 5 lots, 3 each for one single-family dwellings (lots 3-5) and 2 for commercial use (lots 1-2). The existing 10.75-acre tract would be divided into 5 lots ranging in size from 0.11 acres to 4.66 acres. The proposed subdivision is generally located east of Diehl Drive and immediately north of Highway 12 East. Applicant, Chad Bachmeier is present and he indicated his willingness to proceed.

Greg McNally presented the staff report. Due to the proximity of agriculture uses around the subject property some potential conflicts exist. The internal access road should be a paved standard from Highway 12 East to the north end of Lot 2 and the internal access road, and the cul-de-sac from the south end of Lot 3 to the end of the cul-de-sac should be a gravel standard Typical Section No. 1. The approach should be built at a 90-degree angle to U.S. Highway 12 East. The applicant will need an approach permit from MDOT for access onto U.S. Highway 12 East. To facilitate an interconnected road network, the applicant should designate a 60' access and utilities easement along the entire western property boundary if the surrounding property were to be further developed. A no access restriction should be placed along all lot lines adjacent to U.S. Highway 12 East limiting access to the internal access road for Lots 1 and 2. An a 50' setback from the right-of-way boundary of U.S. 12 East should be shown on the final plat to accommodate potential expansion of U.S. Highway 12. The Tri-Lakes Fire Service Area requires a \$1,000 per lot fire service fee for lots 1, 3 and 4. The fee for Lot 5 will be waived because they are currently being assessed for fire services and the commercial structure is sprinkled on Lot 2. A portion of the Spokane Bench fault line traverses the property. The applicant is requesting a variance that the utility easements shall be 20' wide unless otherwise specified by the utility company or the governing body. On the commercial property, landscaping features should be provided to provide a continuous natural screening barrier around parking areas and lot line perimeters to reduce noise and visual impacts to the adjacent residential and agricultural development. The applicant proposes two road approaches to access an asphalt parking lot. The parking lot will also provide access to a trailer display area.

Staff recommends approval of the proposed subdivision subject to the 17 conditions as outlined in the staff report.

Neither the applicants nor their engineer had any comments.

Commissioner Murray moved to render a final decision Thursday, March 9 at the Commission's regular scheduled public meeting. Commissioner Tinsley seconded the motion and it carried unanimously.

Public comments on matters not mentioned above. None.

There was no other business and the meeting adjourned at 10:39 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

Michael A. Murray, Vice-Chair

Ed Tinsley, Member

ATTEST:

Paulette DeHart, Clerk of the Board